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OFFICE OF PETITIONS

In re Application of Wiseman
Application No. 10/707,909
Filing Date: January 23, 2004
Attorney Docket No. PIL8015.011

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Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed January 25, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application was deemed abandoned as a result of a failure to receive an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 15, 2005, and no extensions of time under the provisions of 37 CFR 1.136(b) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application was deemed abandoned as of August 16, 2005. See MPEP 1215.04. A Notice of Abandonment was mailed on January 20, 2006.

Petitioner has provided a showing in compliance with 37 CFR 1.8(b) demonstrating an appeal brief was timely filed. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1722 will be informed of the instant decision so that the examiner may consider the appeal brief in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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